



501.43546X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: N. NISHIKAWA, et al
Serial No.: 10/788,452
Filed: March 1, 2004
For: COMPUTER SYSTEM

**PETITION TO MAKE SPECIAL
UNDER 37 CFR §1.102(MPEP §708.02)**

MS Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 31, 2005

Sir:

Applicants hereby petition the Commissioner to make the above-identified application special in accordance with 37 CFR §1.102(d). Pursuant to MPEP §708.02(VIII), Applicants state the following.

(A) This Petition is accompanied by the fee set forth in 37 CFR §1.17(h).

The Commissioner is hereby authorized to charge any additional payment due, or to credit any overpayment, to Deposit Account No. 50-1417.

(B) All claims are directed to a single invention.

If the Office determines that all claims are not directed to a single invention, Applicant will make an election without traverse as a prerequisite to the grant of special status.

06/02/2005 MBEYENE1 00000047 10788452

01 FC:1464

130.00 DP

(C) A pre-examination search has been conducted.

The search was directed towards a storage system. In particular, the search was directed towards a computer system including a first computer and first and second storage subsystems, a computer connected to a storage subsystem, the storage subsystem and another computer system having first and second computers and first and second storage subsystems.

In the computer system, the first storage system is connected to the first computer and the second storage system is connected to the first storage subsystem. Further, the first computer transmits configuration information to the first storage subsystem which stores the configuration information at a predetermined location in the first storage system and transfers data, which contains the configuration information and is stored in the first storage subsystem, to the second storage subsystem. The second storage subsystem receives the data sent from the first storage subsystem, checks if the received data contains the configuration information and stores the configuration information at a predetermined location in the second storage subsystem.

The computer being connected to a storage subsystem includes a processing unit and an interface via which the computer is connected to the storage subsystem. The processing unit checks if configuration information employed in the computer is stored at a predetermined location in the storage subsystem and if the configuration information is not stored at the predetermined location, configuration information is created and transmitted to the storage subsystem via the interface.

The storage subsystem includes a port via which the storage subsystem is connected to other storage subsystems, a control unit connected to the port and a disk drive connected to the control unit. In the storage subsystem, the control unit receives data from the other storage subsystem via the port. If the received data contains configuration information, the control unit compares information contained in the configuration information with information on the configuration of the storage subsystem and if the pieces of information agree with each other, the control unit stores the configuration information at a predetermined location in the disk drive.

The further computer system has elements similar to those of the computer system described above with the exception of a second computer connected to the second storage system.

The search of the above features was conducted in the following areas:

<u>Class</u>	<u>Subclasses</u>	<u>Description</u>
709/		ELECTRICAL COMPUTERS AND DIGITAL PROCESSING SYSTEMS: MULTICOMPUTER DATA TRANSFERRING OR PLURAL PROCESSOR SYNCHRONIZATION
	217	. Remote data accessing
	223	. Computer network managing
710/		ELECTRICAL COMPUTERS AND DIGITAL DATA PROCESSING SYSTEMS: INPUT/OUTPUT
	104	. System configuring
711/		ELECTRICAL COMPUTERS AND DIGITAL PROCESSING SYSTEMS: MEMORY
	161	.. Archiving
	162	... Backup

713/	ELECTRICAL COMPUTERS AND DIGITAL PROCESSING SYSTEMS: SUPPORT
1	DIGITAL DATA PROCESSING SYSTEM INITIALIZATION OR CONFIGURATION (E.G., INITIALIZING, SET UP, CONFIGURATION, OR RESETTING)
714/	ERROR DETECTION/CORRECTION AND FAULT DETECTION/RECOVERY
7 Reconfiguration (e.g., adding a replacement storage component)

The above subclasses represent areas deemed to contain subject matter of interest to one or more of the search features. Please note that relevant references may be classified outside of these areas. The integrity of the search is based on the records as presented to us by the United States Patent and Trademark Office (USPTO). No further integrity studies were performed. Also a key word search was performed on the USPTO full-text database including published U.S. patent applications. Additionally, a computer database search was conducted on the USPTO systems EAST and WEST.

(D) The following is a list of the references deemed most closely related to the subject matter encompassed by the claims:

<u>U.S. Patent Number</u>	<u>Inventors</u>
6,535,967	Milillo et al
<u>U.S. Patent Application Publication No.</u>	<u>Inventor(s)</u>
2003/0229764 A1	Ohno et al
2004/0044851 A1	Dawson et al
2004/0030768 A1	Krishnamoorthy et al

A copy of each of these references (as well as other references uncovered during the search) was filed by the September 14, 2004 Information Disclosure Statement (copy attached).

(E) It is submitted that the present invention is patentable over the references for the following reasons.

It is submitted that the cited references, whether considered alone or in combination, fail to teach or suggest the invention as claimed. In particular, the cited references, at a minimum, fail to teach or suggest at least one of a first feature wherein the second storage subsystem receives data sent from the first storage system, checks if the received data contains configuration information and stores the configuration information at a predetermined location in the second storage subsystem as recited in independent claims 1 and 15, a second feature wherein the processing unit checks if configuration information employed in the computer is stored at a predetermined location in the storage subsystem and if the configuration is not stored at the predetermined location, configuration information is created and transmitted to the storage subsystem via the interface as recited in independent claim 9, and a third feature wherein if the received data contains configuration information, the control unit compares information contained in the configuration information with information on the configuration of the storage subsystem and if the pieces of information agree with each other, the control unit stores the configuration information at a predetermined location in the disk drive as recited in independent claim 12.

The references considered most closely related to the claimed invention are briefly discussed below:

Milillo (U.S. Patent NO. 6,535,967 B1) provides for a method and apparatus for transferring data between a primary storage system and a secondary storage system using a bridge volume. Primary storage system 106 and secondary storage system 108 may be connected to each other by a direct connection 110 (see figure 1, column 2, lines 13-16, and column 3, lines 50-53).

Ohno (U.S. Patent Application Publication No. 2003/0229764 A1) provides for a data storage subsystem. The disclosed storage subsystem may be configured to transmit a first data block and attribute information to a remote storage subsystem without intervention from a first host computer. Storage subsystems 11a and 11b are connected via communication path 63 to exchange information. Microprocessor 28 of channel adapter 22 can determine if the updated information is attribute information. If it is attribute information, microprocessor 28 stores the information in attribute information table 34 in shared memory 25 (see figure 1 and paragraphs 25, 43, and 64).

Dawson (U.S. Patent Application Publication No. 2004/0044951 A1) provides for an apparatus and method to export and then import a logical volume with assigned storage attributes. Discussed is a method of assigning one or more first storage attributes a logical volume, and forming an export list indicating which logical volumes to export. Method further includes importing the logical volume and assigned first storage attributes into a second information storage medium (see figure 3 and paragraphs 6 and 7).

Krishnamoorthy (U.S. Patent Application Publication No. 2004/0030768

A1) provides for a unified system and method for downloading code to heterogeneous devices in distributed storage area networks. Each storage subsystem may include an agent 56, 58 that is responsible for controlling and configuring the storage subsystem. The agents 56, 58 communicate with storage devices of the subsystem through the controller. An agent manager manages the agents (see figure 1 and paragraphs 11, 34, and 35).

Each of the above described references, namely Milillo, Ohno, Dawson and Krishnamoorthy, fails to teach or suggest at least one of the above described first, second and third features recited in independent claims 1, 9, 12 and 15.

Therefore, since each of the above described references fails to teach or suggest at least one of the above described first, second and third features of the present invention as recited in independent claims 1, 9, 12 and 15, the present invention as recited in the claims is patentable over the above described references and any of the other references of record whether taken individually or in combination with each other.

(F) Conclusion

Applicant has conducted what it believes to be a reasonable search, but makes no representation that "better" or more relevant prior art does not exist. The United States Patent and Trademark Office is urged to conduct its own complete search of the prior art, and to thoroughly examine this application in view of the prior art cited herein and any other prior art that the United States Patent and Trademark Office may locate in its own independent search. Further,

while Applicant has identified in good faith certain portions of each of the references listed herein in order to provide the requisite detailed discussion of how the claimed subject matter is patentable over the references, the United States Patent and Trademark Office should not limit its review to the identified portions but rather, is urged to review and consider the entirety of each reference, and not to rely solely on the identified portions when examining this application.

In view of the foregoing, Applicant requests that this Petition to Make Special be granted and that the application undergo the accelerated examination procedure set forth in MPEP 708.02 VIII.

(G) Fee (37 C.F.R. 1.17(i))

The fee required by 37 C.F.R. § 1.17(i) is to be paid by:

☒ the Credit Card Payment Form (attached) for \$130.00.

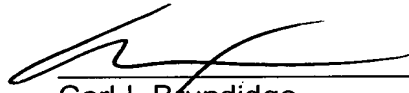
☐ charging Account _____ the sum of \$130.00.

A duplicate of this petition is attached.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.,
Deposit Account No. 50-1417 (501.43546X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



Carl I. Brundidge
Reg. No. 29,621

CIB/jdc
(703) 684-1120
Enclosures

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PETITION FEE Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL (Fees are subject to annual revision)	Application Number	10/788,452
	Filing Date	March 1, 2004
	First Named Inventor	N. NISHIKAWA, et al
	Art Unit	
	Examiner Name	
Attorney Docket Number		501.43546X00

Enclosed is a petition filed under 37 CFR §1.102(d) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/171.


Payment of Fees (small entity amounts are NOT available for the petition (fees))

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 50-1417:
☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments
 Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ _____ is enclosed.

☒ Payment by credit card (From PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): For petitions filed under: § 1.53(e) - to accord a filing date. § 1.57(a) - to according a filing date. § 1.182 - for decision on a question not specifically provided for. § 1.183 - to suspend the rules. § 1.378(e) for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent. § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.	Fee \$400	Fee Code 1462
Petition Fees under 37 CFR 1.17(g): For petitions filed under: § 1.12 - for access to an assignment record. § 1.14 - for access to an application. § 1.47 - for filing by other than all the inventors or a person not the inventor. § 1.59 - for expungement of information. § 1.103(a) - to suspend action in an application. § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available. § 1.295 - for review of refusal to publish a statutory invention registration. § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued. § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent. § 1.550(c) - for patent owner requests for extension of time in <u>ex parte</u> reexamination proceedings. § 1.956 - for patent owner requests for extension of time in <u>inter partes</u> reexamination proceedings. § 5.12 - for expedited handling of a foreign filing license. § 5.15 - for changing the scope of a license. § 5.25 - for retroactive license.	Fee \$200	Fee code 1463
Petition Fees under 37 CFR 1.17(h): For petitions filed under: § 1.19(g) - to request documents in a form other than that provided in this part. § 1.84 - for accepting color drawings or photographs. § 1.91 - for entry of a model or exhibit. § 1.102(d) - to make an application special. § 1.138(c) - to expressly abandon an application to avoid publication. § 1.313 - to withdraw an application from issue. § 1.314 - to defer issuance of a patent.	Fee \$130	Fee Code 1464

Name (Print/Type)	Carl I. Brundidge	Registration No. (Attorney/Agent)	29,621
Signature		Date	May 31, 2005

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): N. NISHIKAWA, et al

Serial No.: 10/788,452

Filed: March 1, 2004

For: COMPUTER SYSTEM

COPY

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.97 & 1.98**

MS Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 14, 2004

Sir:

In the matter of the above-identified application, applicants are submitting herewith copies of the documents listed in the attached form equivalent to Form PTO-1449 for the Examiner's consideration.

This information disclosure statement is being submitted before the mailing date of a first office action on the merits.

Each of the documents listed on the attached form equivalent to Form PTO-1449 is in the English language.

It is respectfully requested that this information disclosure statement be considered by the Examiner.

Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus Deposit Account No. 01-2135 (501.43546X00) please credit any excess fees to such deposit account.

Respectfully submitted,



Carl I. Brundidge
Registration No. 29,621
ANTONELLI, TERRY, STOUT & KRAUS, LLP

CIB/jdc
(703) 312-6600

FORM PTO-1449 U.S. Department of Commerce (Rev. 4/92) Patent and Trademark Office

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use several sheets if necessary)

ATTY. DOCKET NO.

501.43546X00

SERIAL NO.

10/788,452

APPLICANT
N. NISHIKAWA, et al

FILING DATE
March 1, 2004

GROUP

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	6 5 3 5 9 6 7	3/03	Milillo et al			
2 0 0 3	0 2 2 9 7 6 4	12/03	Ohno et al			
2 0 0 4	0 0 4 4 8 5 1	2/04	Dawson et al			
2 0 0 4	0 0 3 0 7 6 8	3/4	Krishnamoorthy et al			

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	ABSTRACT
					YES NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation is considered, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

(Form PTO-1449 [6-4])